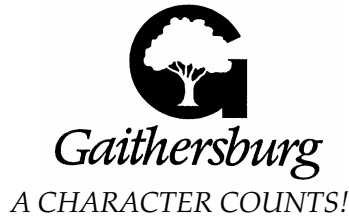


**DRAFT**



CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, DECEMBER 18, 2006

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A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz (arrived 7:38 p.m.) presiding. Council Members present: Alster (presided until the arrival of Mayor Katz), Marraffa, Schlichting (arrived 7:40 p.m.), and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Planners Patula and Marsh, Cultural Arts Director Kayser, Arts Program Coordinator Woodland, City Attorney Borten and Executive Assistant Stokes. Planning Commissioners present for the joint public hearing: Bauer, Hopkins, Kaufman, and Levy.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by the City's Arts Program Coordinator Wendy Woodland.

**II. INVOCATION**

The invocation was led by Fitzgerald Clark, Baha'i Faith.

**III. APPROVAL OF MINUTES**

Motion was made by Council Member Sesma, seconded by Council Member Marraffa, that the minutes of the Mayor and Council meeting held December 4, 2006, be approved with correction.

Vote: 3-0

**IV. APPOINTMENTS**

**Resolution Confirming Appointments and a Reappointment by the Mayor**

This resolution confirms the following: **Ad Hoc Election Participation Advisory Committee**, Richard Arkin (appointment), 121 Selby Street, Gaithersburg, Maryland 20878; **Gaithersburg Senior Council**, Roberta Rosenfeld (appointment), 18521 Eagles Roost Drive, Germantown, Maryland 20874, two-year term; and the **Multicultural Affairs Committee**, Nivea Cordova-Berrios, (reappointment), 11408 Rambling Road, Gaithersburg, Maryland 20879, two-year term.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND A REAPPOINTMENT BY THE MAYOR TO THE AD HOC ELECTION PARTICIPATION ADVISORY COMMITTEE, GAITHERSBURG SENIOR COUNCIL AND MULTICULTURAL AFFAIRS COMMITTEE (Resolution No. R-116-06), be approved.

Vote: 3-0

**V. OATH OF OFFICE TO ALTERNATE BOARD OF APPEAL MEMBER**

Mayor Katz administered the Oath of Office to Geri Lanier to execute the office of Planning Commission as an alternate, term to expire February 2010.

**VI. PRESENTATION****The Gaithersburg Community Museum Train Annex Committee Update**

Assistant City Manager Tomasello presented a PowerPoint report from the Gaithersburg Community Museum Train Annex Ad Hoc Committee and expressed their recommendations. He stated that the committee is recommending the exchange of rolling stock to expand and improve the plaza around the train station and the existing museum in Olde Towne Gaithersburg. He stated that the initial scope of the project was to do site enhancements, provide ADA access to trains and museum, repair and renovate to the existing tracks, Locomotive and Tender and Troop Kitchen Car, and to replace the Caboose, but the project would go over budget. In an effort to resolve the situation, staff and the committee is proposing that the City do an exchange of rolling stock with the Hagerstown Roundhouse Museum for their caboose and box car/passenger car. Mr. Tomasello stated that staff is still working out cost estimates, but the initial findings indicate that the proposal will permit the City to stay within the project budget, as well as to fully realize the goals of the Tran Annex project. Additionally, the total inventory of rolling stock at the museum will be maintained and the space available for exhibits/programs will increase as the Hagerstown cars are large than the City's existing cars. The committee is recommending that the City pursue the proposed exchange.

**VII. PUBLIC APPEARANCES**

1. *Rosalind MacLennan, HOA liaison for the Courtyard at the RIO, 9718 Athletic Way*, expressed concern with property vandalism in the neighborhood. She stated that several residents believe it is connected to the Crown Farm Development. Residents are asking for a written commitment to install a wall blocking pedestrians from their community. She also asked that it be made a part of the record that the City will not use eminent domain against their private property or adjoining land. She asked that City encourage development of pedestrian friendly bikeways and pathways along Fields Road to Rio Boulevard. She submitted a letter from the Maryland Transit Authority.
2. *Louis (inaudible)*, submitted a petition with over 850 signatures from local residents opposed to the anti-solicitation ordinance. He read a letter from Msgr. Mark Brennan, Pastor at St. Martin of Tours Catholic Church on behalf of many parishioners expressing opposition to the proposed ordinance.

**VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Member Schlichting**

1. Wish the public Happy Holidays!
2. Represented the City at the Metropolitan Washington Council of Governments annual meeting last week where Henry Cisneros was the keynote speaker. Mr. Cisneros focused his remarks on the D.C. region, but referred to the crisis level of affordable housing in the surrounding areas.

**Council Vice President Alster**

1. Reported that he, Mayor Katz, and Council Members Schlichting and Sesma attended the building dedication for Shaare Torah Temple in the Lakelands. The temple is the first synagogue built in the City of Gaithersburg.
2. Attended the National League of Cities (NLC) Convention. He stated that he serves on the

Information Technology Communications Committee and the committee discussed the use and other purposes of GIS. In addition, the committee will review throughout the year election reform technology as it relates to voting issues in the State of Maryland with voting equipment. He further stated that the committee will continue to represent municipalities regarding the Federal Communications Commission (FCC) intentions to take action to undermine local franchising authority and enforcement for cable services. He mentioned that he also attended a lecture and heard Henry Cisneros, former Mayor of San Antonio and former Secretary of the U.S. Housing and Urban Development. Mr. Cisneros is a strong supporter for affordable housing. Further, he attended a breakfast meeting with Jim Hunt to discuss inclusive communities. Other sessions were attended where such topics as emergency preparedness planning, day laborers, light rail and annexations were discussed.

#### **Council Member Marraffa**

Attended the NLC Convention and reported that he was nominated and voted to serve a two-year term on the NLC Board of Directors. In the new role, he will assist committees with issues such as block grants, affordable housing, local franchise agreements, and issues surrounding immigration at the federal level.

#### **Council Member Sesma**

1. He also attended the NLC Convention and congratulated Council Member Marraffa on his election to the NLC Board of Directors. He stated that it was his first attendance to the convention which was very exciting and informative. He also attended the breakfast meeting with Jim Hunt regarding the partnership for inclusive communities which the City has joined. He stated there is an established website for information on inclusive communities along with public service announcements. He suggested that City signs reflect that Gaithersburg is an inclusive community. He also attended other sessions and received valuable information on affordable housing, housing initiatives, and economic development.
2. Announced the upcoming City event: Mozart's "The Marriage of Figaro" will be presented at the Gaithersburg Arts Barn on Friday and Saturday, January 5 and 6, 2006, 8 p.m.
3. Announced the Mayor and City Council will conduct a work session on Monday, January 8, 2007 to receive citizen input on the City's Draft 2007 Strategic Plan.
4. Wish the public Happy Holidays!

#### **Mayor Katz**

1. Echoed congratulations to Council Member Marraffa on his election to serve on the NLC Board of Directors.
2. He and Assistant City Manager Felton met with the Montgomery County Delegation to discuss the Washington Metropolitan District Tax which is a tax that has not been collected in Gaithersburg for 41 years. He stated that Montgomery County parks are not funded directly by Montgomery County taxes, but by a bi-county tax through Prince Georges County. The City is concerned about property annexed into the City and has asked for support from the delegation with the City's concern regarding the tax.
3. Announced the following meeting schedule:
  - No work session will be conducted on Monday, December 25, 2006.
  - Regular meeting of the Mayor and City Council will be held on Tuesday, January 2, 2007.
  - Work Session scheduled for Monday, January 8, 2007.

4. Read the following statement:

"The Mayor and City Council will hold an annual retreat for the purpose of reviewing the City's Strategic Plan and enhancing the working relationship among and between the Mayor, members of the City Council, and management staff. This year's event is scheduled for Friday, January 19 through Saturday, January 20, 2006 at the Loews Annapolis Hotel located at 126 West Street, Annapolis, Maryland.

In keeping with the policy we have followed regarding our retreats each year, we are publicly announcing the date and location. This will provide our citizens and other interested parties notice in the event they would like to attend the portion of the proceedings that are open to the public. This information is posted at City hall, and on the City's website.

The City Council and I believe that holding a retreat is important and productive because it allows us the opportunity to come together, away from the day-to-day responsibilities of the City government, our jobs and our homes, to work together and focus on important City issues in an informal setting.

We will begin on Friday evening, January 19, with dinner for the Mayor and City Council members and staff. This is purely a social occasion and is not open to the public.

On Saturday, January 20, the retreat will be held from approximately 8 am until 4 pm. The entire event will be open to the public. Staff will make presentations on various topics and the Mayor and City Council will review the Strategic Plan in its entirety. The formal agenda will be posted on the City website as soon as it is finalized by City staff.

Minutes will be kept of all public portions of the retreat and will be available for review. Staff will provide an overview of what was discussed and accomplished during the regular Mayor and City Council meeting on Monday, February 5, 2007. Additional discussion will be held on the Strategic Plan during our upcoming FY 2008 budget process.

Anyone who would like more information about the retreat may call Assistant City Manager Felton at 301-258-6310."

**IX. FROM THE CITY MANAGER**

- **Update on Market Square**

Referred to a memorandum dated December 12, 2006 regarding resolution to the Market Square issues such as nuisance, lighting, site maintenance, security/policing, resident parking, general enhancements and other quality of life issues in the area. Staff has been working with the residents, merchants, and property owners to resolve the issues.

- **Mid-Year Personnel Adjustments**

Recommended the following two full-time positions not included in the adopted FY 2007 City Budget: One additional Police Officer and Neighborhood Services Officer. The Mayor and City Council directed staff to move forward with the recommendation.

**X. PUBLIC HEARINGS**

1. **JOINT – T-380, An Ordinance to Amend Chapter 24 of the City Code Entitled "Zoning," Article III Entitled "Regulations Applicable to Particular Zones," Division 15 Entitled "I-3 Zone, Industrial and Office Park," to Eliminate Redundant and Conflicting Provisions and Renumber Accordingly**

Planning and Code Administration Director Ossont stated the joint public hearing was advertised in the November 29 and December 6, 2006 issues of the *Gaithersburg Gazette*. He stated that staff is proceeding with the preliminary steps for the development of the Gaithersburg Indoor Aquatic and Recreation Center at the GE Tech Park site. He further stated that the current zoning of said parcel is I-3 and public buildings are subject to certain requirements under Section 24-143(2), including minimum lot or parcel sizes and setbacks from parking areas. Mr. Ossont stated that the above two standards would preclude the aquatic center project. The proposed text amendment would retain the two standards for public buildings restricting "distribution" uses as well as parking and storage of trucks.

There were no speakers at the hearing.

Motion was made by Commissioner Kaufman, seconded by Commissioner Levy, to hold the Planning Commission record on T-380, open until January 10, 2007, 5 p.m., with anticipated recommendation on January 17, 2007.

Vote: 4-0

Motion was made by Council Member Alster, seconded by Council Member Marraffa, to hold the City Council record on T-380, open until January 26, 2007, 5 p.m., with anticipated policy discussion on February 5, 2007.

Vote: 4-0

2. **An Ordinance to Amend Chapter 5 of the City Code Entitled "Buildings," to Create a New Article VI Entitled "Additional Fire Safety Requirements for Certain Multi-Family Residential Structures" to Create a New Section 5-11 Entitled "Automated Sprinkler Systems" to Require the Retrofit of Certain Multi-Family Residential Structures With Automated Sprinkler Systems**

Assistant City Manager Felton stated the proposed ordinance was introduced on December 4, 2006, and advertised in the December 6, 2006 issue of the *Gaithersburg Gazette*. He stated that the Mayor and City Council did have discussion on the above topic prior to introduction. Gaithersburg requires sprinklers in all new residential development, but the proposed ordinance would require the installation of automated sprinkler systems whenever an existing multi-family dwelling containing at least four (4) dwelling units should become vacant for a period of more than ninety (90) days. He further stated that staff believes it is a reasonable approach to phasing in a sprinkler requirement for the City's aging multi-family stock. Mr. Felton added that staff is awaiting financial information from three installers.

Speaker from the public:

*Lisa Hoover, represent the Apartment Office Building Association for Metropolitan Washington (inaudible), stated they are committed to fire safety in multi-family units. She stated that she had spoken to Mr. Felton regarding the concern of conflicting definitions in the proposed ordinance such as the definition of a "unit" and "entire building."*

There were no other speakers at the hearing.

Motion was made by Council Member Schlichting, seconded by Council Member Sesma, to close the City Council record on the above ordinance on January 10, 2007, 5 pm., with anticipated policy discussion (final action) on January 16, 2007.

Vote: 4-0

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RECESSED THE MAYOR AND COUNCIL MEETING AT 8:30 P.M.  
FOR A HISTORIC DISTRICT COMMISSION MEETING AND RECONVENED AT 8:39 P.M.

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**XI. ORDINANCES, RESOLUTIONS, AND REGULATIONS**

**Introduction of the Gaithersburg Affordable Housing Program Regulations**

Assistant City Manager Felton stated that the City Council adopted the City's affordable housing ordinance on November 6, 2006. Said ordinance does require the City Council to adopt regulations to implement the ordinance with respect to, but not limited to administration, enforcement, pricing, eligibility requirements, control period for ownership units, procedures for granting waivers, and resale restrictions. He further stated that a series of work sessions were held to discuss the mentioned issues and a work session was held on November 13, 2006 to discuss the draft regulations. Staff has revised the regulations based on guidance received during the work session. Staff recommended introduction of the revised regulations and that a public hearing be considered for January 2, 2007.

Motion was made by Council Member Sesma, seconded by, Council Member Schlichting, that the above ordinance be introduced and considered for public hearing on January 2, 2007.

Vote: 4-0

**XII. POLICY DISCUSSION AND STAFF GUIDANCE**

- 1. SDP-06-003, Resolution of the Mayor and City Council of Gaithersburg Granting Approving of Schematic Development Plan, SDP-06-003 as an Amendment to Schematic Development Plan SDP-L5, Lakelands, Lane in the Woods, the Subject Property is Located in the Lakelands Subdivision and is in the Mixed Use Development (MXD) Zone**

Planning and Code Administration Director Ossont stated that a joint public hearing was held on October 3, 2006, with the record closing on November 1, 2006. The Planning Commission recommended approval of the above SDP amendment to the Mayor and City Council. He noted that there is a concurrence of reconciling the additions and deletions of items throughout the neighborhood.

Motion was made by Council Member Schlichting, seconded by, Council Member Alster, that the above Resolution (Resolution No. R-119-06), be approved with the Planning Commission's conditions.

Vote: 4-0

2. **An Ordinance to Amend Chapter 2 of the City Code, Entitled "Administration", Article II, Entitled "Municipal-County Relations", Section 2-6 Thereof, Entitled "Exemption From Montgomery County Legislation and Regulations Within the City" so as to Include the Provisions of Section 24-211A Entitled "Fitness Centers-Defibrillators" of Chapter 24 of the Montgomery County Code Entitled "Health And Sanitation", as Being Applicable and Enforceable Within the City**

Assistant City Manager Felton stated that the ordinance would make Montgomery County's defibrillator requirement applicable in the City of Gaithersburg, enforced by the County. He stated that on December 4, 2006, the Mayor and City Council held a public hearing on the ordinance. He noted that upon further review of the legislation, he was informed by Montgomery County representatives that the County does not require defibrillators at swimming pools. He stated that the City does have defibrillators at their swimming facilities.

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the above Ordinance (Ordinance No. O-14-06), be adopted.

Vote: 4-0

### **XIII. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:43 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Executive Assistant